

RESOLUTION NO. R-90-848

RESOLUTION APPROVING ZONING PETITION NO. 89-75
SPECIAL EXCEPTION PETITION OF JAMES AND FRANCES TITCOMB

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 89-75 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 28, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-75, the petition of JAMES AND FRANCES TITCOMB, for a SPECIAL EXCEPTION TO PERMIT A PLANNED OFFICE BUSINESS PARK (ARTISTS' STUDIO) on a parcel of land lying in Lots 70 and 71, amended Plat of Tradewinds Estates, Plat Book 21, Page 73, located in Section 04, Township 46 South, Range 43 East, being located on the Southeast side of Old Dixie Highway, approximately .01 mile Southwest of Old Dixie Highway and U.S. Highway 1, in a CS-Specialized Commercial Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. Prior to site plan review submittal, the site plan shall be amended to indicate:
 - a. Minimum ten (10) feet native canopy trees spaced twenty (20) feet on center with a minimum six (6) foot high masonry wall along the western property line.
 - b. Compliance with all minimum property development regulations and subdivision code requirements.

- c. Minimum ten (10) foot high native canopy trees spaced the equivalent one (1) tree/20 lineal feet with a minimum thirty (30) inch hedge spaced twenty-four (24) inches on center along the northern property line.
2. Use of the site shall be limited to a 1,852.4 square foot commercial art studio and accessory offices.
 3. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of way, or interior drives.
 4. Security lighting shall be shielded, low intensity and directed away from nearby residences and right-of-way.
 5. Pole signs for the project shall be limited to one, forty (40) square foot, double faced pole sign.
 6. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
 7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 8. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 100% of the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, **Land Development Division**. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
 9. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended.
 10. Prior to site review approval, the petitioner shall file for an abandonment of a portion of Old Dixie Highway. If the abandonment is approved, the site shall be redesigned accordingly.
 11. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit

or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--AYE
Karen T. Marcus	--AYE
Carol Roberts	--AYE
Ron Howard	--AYE
Carole Phillips	--AYE

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK